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ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 09 2007 *Ag*
at 11 o'clock and 55 min. A M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SILVER JOSE GALINDO,

Defendant.

) CR. NO. 04-00053 DAE

)

) DEFENDANT'S SUPPLEMENTAL

) MEMORANDUM IN SUPPORT OF

) MOTION TO SEVER OFFENSES

) FILED FEBRUARY 21, 2007;

) CERTIFICATE OF

) SERVICE

)

) Hearing:

) Date: April 20, 2007

) Time: 10:00 a.m.

) Judge: Leslie E. Kobayashi

)

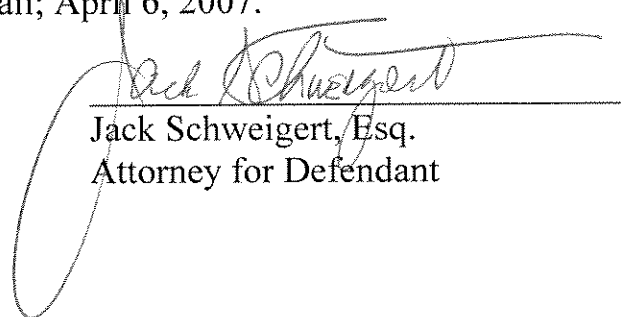
DEFENDANT'S SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF MOTION TO SEVER OFFENSES FILED
FEBRUARY 21, 2007

On February 21, 2007 Defendant filed a motion to sever offenses citing Rule 14(a), Federal Rules of Criminal Procedure. Since that date, counsel has been able to research the issue further and an additional ground has been found dealing with Rule 8(a). In that regard, the less rigorous requirements of Rule 8(a) are not infinitely elastic, U.S. v. Mackins, 315 F.3d 399, 412 (4th Cir. 2003), and will not be stretched

to cover offenses which are discreet and dissimilar and which do not constitute part of a common scheme. U.S. v. Randazzo, 80 F.3d 623, 627 (1st Cir. 1996).

In that regard, the indictment with 8 different counts, only some of which are related or constitute part of a common scheme, suffers from such malady. Therefore joinder of all the offenses into a single indictment was improper. This additional ground is urged for severance as well.

DATED: Honolulu, Hawaii; April 6, 2007.



Jack Schweigert, Esq.
Attorney for Defendant

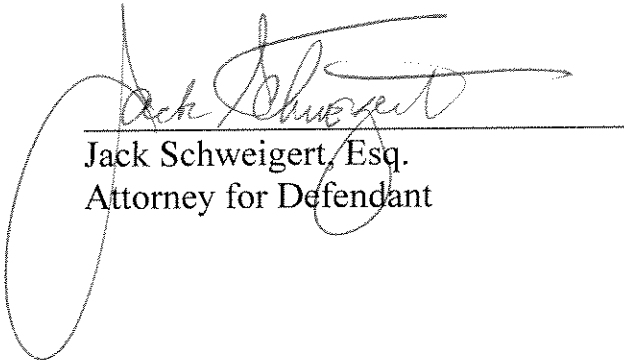
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00053 DAE
)	
Plaintiff,)	
)	CERTIFICATE OF SERVICE
vs.)	
)	
SILVER JOSE GALINDO,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

It is hereby certified that on April 6, 2007, one copy of the attached document was served on the below individual by U.S. Mail, first class postage pre-paid addressed as follows:

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